

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DARRELL SMITH, on behalf of himself
Individually and all others similarly situated,

Plaintiff,

v.

PIONEER CREDIT RECOVERY, INC.,

Defendant.
-----X

08 Civ. 0498 (DAB)(KNF)

NOTICE OF MOTION

C O U N S E L:

PLEASE TAKE NOTICE that, upon the Affidavit of Andrew Kouroupos, sworn to March 10, 2008, the Affidavit of Brian K. Gallagher, sworn to March 10, 2008, and the accompanying Memorandum of Law, the defendant, Pioneer Credit Recovery, Inc. ("Pioneer"), by its attorneys, Gallagher, Harnett & Lagalante LLP, will move this Court, before the Honorable Deborah A. Batts, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time set by the Court, pursuant to Fed. R. Civ. P. 12(b)(6), for an order dismissing plaintiff's Complaint with prejudice and awarding Pioneer such other, further and different relief as this Court deems just and proper.

Dated: New York, New York
March 10, 2008

GALLAGHER, HARNETT & LAGALANTE LLP
Attorneys for Defendant
Pioneer Credit Recovery, Inc.

By:



Brian K. Gallagher (BG 6377)
(A Member of the Firm)
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